

Santa Clara County Clerk-Recorder's Office
State of California

County of Santa Clara
Office of the County Clerk-Recorder
Business Division

County Government Center
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San Jose, California 95110 (408) 299-5688



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REGINA ALCOMENDRAS, County Clerk-Recorder
by Veronica Aguirre, Deputy Clerk-Recorder, *VA*

CEQA DOCUMENT DECLARATION

ENVIRONMENTAL FILING FEE RECEIPT

PLEASE COMPLETE THE FOLLOWING:

1. LEAD AGENCY: City of San Jose
2. PROJECT TITLE: C14-067 - 1610 Meridian Avenue conforming rezoning
3. APPLICANT NAME: AU Energy, LLC PHONE: (510) 657-9150
4. APPLICANT ADDRESS: 41805 Albrae Street, 2nd floor, Fremont CA 94538
5. PROJECT APPLICANT IS A: ☐ Local Public Agency ☐ School District ☐ Other Special District ☐ State Agency ☒ Private Entity
6. NOTICE TO BE POSTED FOR 20 DAYS.

7. CLASSIFICATION OF ENVIRONMENTAL DOCUMENT

a. PROJECTS THAT ARE SUBJECT TO DFG FEES

- | | | |
|--|-------------|---------|
| <input type="checkbox"/> 1. ENVIRONMENTAL IMPACT REPORT (PUBLIC RESOURCES CODE §21152) | \$ 3,069.75 | \$ 0.00 |
| <input type="checkbox"/> 2. NEGATIVE DECLARATION (PUBLIC RESOURCES CODE §21080(C)) | \$ 2,210.00 | \$ 0.00 |
| <input type="checkbox"/> 3. APPLICATION FEE WATER DIVERSION (STATE WATER RESOURCES CONTROL BOARD ONLY) | \$ 850.00 | \$ 0.00 |
| <input type="checkbox"/> 4. PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS | \$ 1,043.75 | \$ 0.00 |
| <input type="checkbox"/> 5. COUNTY ADMINISTRATIVE FEE (REQUIRED FOR a-1 THROUGH a-4 ABOVE)
Fish & Game Code §711.4(e) | \$ 50.00 | \$ 0.00 |

b. PROJECTS THAT ARE EXEMPT FROM DFG FEES

- | | | |
|---|----------|---------|
| <input type="checkbox"/> 1. NOTICE OF EXEMPTION (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED) | \$ 50.00 | \$ 0.00 |
| <input type="checkbox"/> 2. A COMPLETED "CEQA FILING FEE NO EFFECT DETERMINATION FORM" FROM THE DEPARTMENT OF FISH & GAME, DOCUMENTING THE DFG'S DETERMINATION THAT THE PROJECT WILL HAVE NO EFFECT ON FISH, WILDLIFE AND HABITAT, OR AN OFFICIAL, DATED RECEIPT / PROOF OF PAYMENT SHOWING PREVIOUS PAYMENT OF THE DFG FILING FEE FOR THE *SAME PROJECT IS ATTACHED (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED) | | |
| DOCUMENT TYPE: <input type="checkbox"/> ENVIRONMENTAL IMPACT REPORT <input type="checkbox"/> NEGATIVE DECLARATION | \$ 50.00 | \$ 0.00 |

c. NOTICES THAT ARE NOT SUBJECT TO DFG FEES OR COUNTY ADMINISTRATIVE FEES

- | | | | |
|--|--|--------|-----------|
| <input type="checkbox"/> NOTICE OF PREPARATION | <input checked="" type="checkbox"/> NOTICE OF INTENT | NO FEE | \$ NO FEE |
|--|--|--------|-----------|

8. OTHER: _____ FEE (IF APPLICABLE): \$ _____

9. TOTAL RECEIVED: _____ \$ 0.00

*NOTE: "SAME PROJECT" MEANS NO CHANGES. IF THE DOCUMENT SUBMITTED IS NOT THE SAME (OTHER THAN DATES), A "NO EFFECT DETERMINATION" LETTER FROM THE DEPARTMENT OF FISH AND GAME FOR THE SUBSEQUENT FILING OR THE APPROPRIATE FEES ARE REQUIRED.

THIS FORM MUST BE COMPLETED AND ATTACHED TO THE FRONT OF ALL CEQA DOCUMENTS LISTED ABOVE (INCLUDING COPIES) SUBMITTED FOR FILING. WE WILL NEED AN ORIGINAL (WET SIGNATURE) AND THREE COPIES. (YOUR ORIGINAL WILL BE RETURNED TO YOU AT THE TIME OF FILING.)

CHECKS FOR ALL FEES SHOULD BE MADE PAYABLE TO: SANTA CLARA COUNTY CLERK-RECORDER

PLEASE NOTE: FEES ARE ANNUALLY ADJUSTED (Fish & Game Code §711.4(b)); PLEASE CHECK WITH THIS OFFICE AND THE DEPARTMENT OF FISH AND GAME FOR THE LATEST FEE INFORMATION.

"... NO PROJECT SHALL BE OPERATIVE, VESTED, OR FINAL, NOR SHALL LOCAL GOVERNMENT PERMITS FOR THE PROJECT BE VALID, UNTIL THE FILING FEES REQUIRED PURSUANT TO THIS SECTION ARE PAID." Fish & Game Code §711.4(c)(3)

PUBLIC NOTICE
INTENT TO ADOPT A NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA

File No. and Project Name/Description:

C14-067 – 1610 Meridian Avenue Conforming Rezoning. Conforming Rezoning Conforming Rezoning from A(PD) Planned Development Zoning District to CN Commercial Neighborhood Zoning District on an approximately 0.50 gross acre site. **Location:** Southeast corner of Meridian Avenue and Hamilton Ave (APN 429-46-014).

The City has performed environmental review on the project. Environmental review examines the nature and extent of any adverse effects on the environment that could occur if a project is approved and implemented. Based on the review, the City has prepared a draft Negative Declaration (ND) for this project. An ND is a statement by the City that the project will not have a significant effect on the environment.

The public is welcome to review and comment on the draft Negative Declaration.

The public comment period for this draft Negative Declaration begins on **Friday, March 20, 2015**, and ends on **Thursday, April 9, 2015**.

The draft Negative Declaration, initial study, and reference documents are available online in the Planning Division's **Negative Declaration/Initial Study Library** at:
<http://www.sanjoseca.gov/index.aspx?NID=2165> .

The documents are also available for review from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, located at City Hall, 200 East Santa Clara Street and at the Dr. Martin Luther King, Jr. Main Library (150 E. San Fernando St).

For additional information, please contact John Davidson at (408) 535-7895, or by e-mail at john.davidson@sanjoseca.gov.

Harry Freitas, Director
Planning, Building and Code Enforcement



Deputy

Circulated on: March 20, 2015

NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. “Significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: 1610 Meridian Avenue Conforming Rezoning.

PROJECT FILE NUMBER: C14-067

PROJECT DESCRIPTION: Conforming Rezoning from A(PD) Planned Development Zoning District to CN Commercial Neighborhood Zoning District on an approximately 0.50 gross acre site.

PROJECT LOCATION & ASSESSORS PARCEL NO.: The project site is located on the southeast corner of Meridian Avenue and Hamilton Ave (APN 42946014).

COUNCIL DISTRICT: 6.

APPLICANT CONTACT INFORMATION: AU Energy, LLC, 41805 Albrae Street, 2nd floor, Fremont, California, 94538. Phone: (510) 657-9150.

FINDING: The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies no significant effects on the environment.

NO MITIGATION MEASURES ARE INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

- I. AESTHETICS.** The project will not have a significant impact on aesthetics or visual resources, therefore no mitigation is required.
- II. AGRICULTURE AND FOREST RESOURCES.** The project will not have a significant impact on agriculture or forest resources, therefore no mitigation is required.
- III. AIR QUALITY.** The project will not have a significant air quality impact, therefore no mitigation is required.
- IV. BIOLOGICAL RESOURCES.** The project will not have a significant biological resources impact, therefore no mitigation is required.

- V. CULTURAL RESOURCES.** The project will not have a significant impact to cultural resources, therefore no mitigation is required.
- VI. GEOLOGY AND SOILS.** The project will not have a significant geologic impact, therefore no mitigation is required.
- VII. GREENHOUSE GAS EMISSIONS.** The project will not have a significant impact to greenhouse gas emissions, therefore no mitigation is required.
- VIII. HAZARDS AND HAZARDOUS MATERIALS.** The project will not have a significant impact on hazards and hazardous materials, therefore no mitigation is required.
- IX. HYDROLOGY AND WATER QUALITY.** The project will not have a significant impact on hydrology and water quality, therefore no mitigation is required.
- X. LAND USE AND PLANNING.** The project will not have a significant land use impact, therefore no mitigation is required.
- XI. MINERAL RESOURCES.** The project will not have a significant impact on mineral resources, therefore no mitigation is required.
- XII. NOISE.** The project will not have a significant impact on noise, therefore no mitigation is required.
- XIII. POPULATION AND HOUSING.** The project will not have a significant population and housing impact, therefore no mitigation is required.
- XIV. PUBLIC SERVICES.** The project will not have a significant impact on public services, therefore no mitigation is required.
- XV. RECREATION.** The project will not have a significant impact on recreation, therefore no mitigation is required.
- XVI. TRANSPORTATION / TRAFFIC.** The project will not have a significant impact on transportation or traffic, therefore no mitigation is required.
- XVII. UTILITIES AND SERVICE SYSTEMS.** The project will not have a significant impact on utilities and service systems, therefore no mitigation is required.
- XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.** The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **April 9, 2015**, any person may:

1. Review the Draft Negative Declaration (ND) as an informational document only; or
2. Submit written comments regarding the information and analysis in the Draft ND. Before the ND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft ND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final ND.

Harry Freitas, Director
Planning, Building and Code Enforcement


Deputy

Circulation period, from March 20, 2015 to April 9, 2015

INITIAL STUDY

1. PROJECT DATA

PROJECT FILE NO.: C14-067 – 1610 Meridian Avenue

GENERAL PROJECT DESCRIPTION: Conforming Rezoning from A(PD) Planned Development Zoning District to CN Commercial Neighborhood Zoning District on an approximately 0.50 gross acre site.

PROJECT LOCATION: On the southeast corner of Meridian and Hamilton Avenues (1610 Meridian Avenue, San Jose)

GENERAL PLAN DESIGNATION: Neighborhood/Community Commercial

ZONING: A(PD) Planned Development

SURROUNDING GENERAL PLAN LAND USES:

North: Commercial and Residential

South: Commercial

East: Commercial

West: Commercial

PROJECT APPLICANT'S NAME AND ADDRESS:

AU Energy, LLC, 41805 Albrae Street, 2nd floor, Fremont, California, 94538. Phone: (510) 657-9150.

LEAD AGENCY: City of San Jose Department of Planning, Building, and Code Enforcement, 200 E. Santa Clara Street, T-3, San Jose, CA 95113.

2. PROJECT DESCRIPTION

The project is a Conforming Rezoning to change the current A(*PD) Planned Development Zoning designation to CN Neighborhood Commercial zoning in order to allow for a potential future reconfiguration of the existing gas station on a 0.50 gross acre site. The General Plan Land Use/Transportation Diagram designation for the site is Neighborhood/Community Commercial, and the CN Neighborhood Commercial zoning district is one of the implementing zoning districts of this designation.

Environmental Setting

Existing Site Conditions

The project site is developed with an existing gas station including a snack shop, carwash structure, and fueling canopy. The site is almost entirely paved, with perimeter landscaping along the property lines.

Surrounding Area

The project site is located within an urbanized area of San Jose and is surrounded by one and two-story structures. The site is functionally a part of the Dry Creek Shopping Center, located at the southeast corner of Hamilton and Meridian Avenues. Predominant land uses are commercial in character along Meridian Avenue and the south side of Hamilton Avenue, adjacent to the project site, and residential along the north side of Hamilton Avenue, east of Meridian.

Zoning and General Plan Land Use/Transportation Diagram Designation

Existing Zoning Development Standards

The property has an A(PD) Planned Development Zoning (File No. PDC97-004). This zoning allows for the 24-hour operation of a gas service station and car wash use. However, the General Development Plan applicable to the property specifies location of land uses, which constrains the potential reconstruction of the current gas station use.

Zoning

CN – Neighborhood Commercial

The CN Neighborhood Commercial District is a district intended to provide for neighborhood serving commercial uses without an emphasis on pedestrian orientation except within the context of a single development. This district also differs from the CP Commercial Pedestrian District in that there is no limit on the size of the stores. The type of development supported by this district includes neighborhood centers, multi-tenant commercial development along city connector and main streets, and small corner commercial establishments.

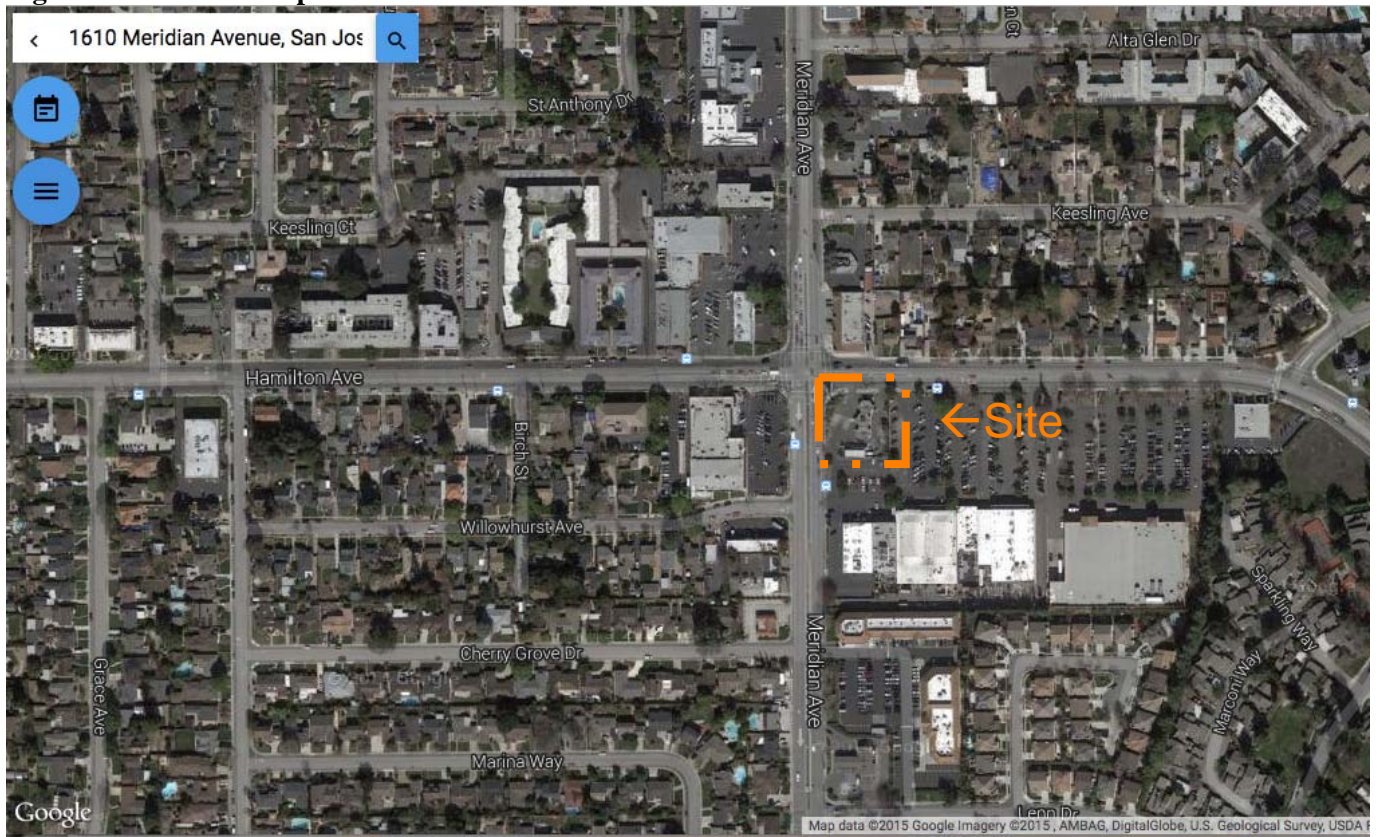
General Plan Land Use/Transportation Diagram Designation

Neighborhood/Community Commercial

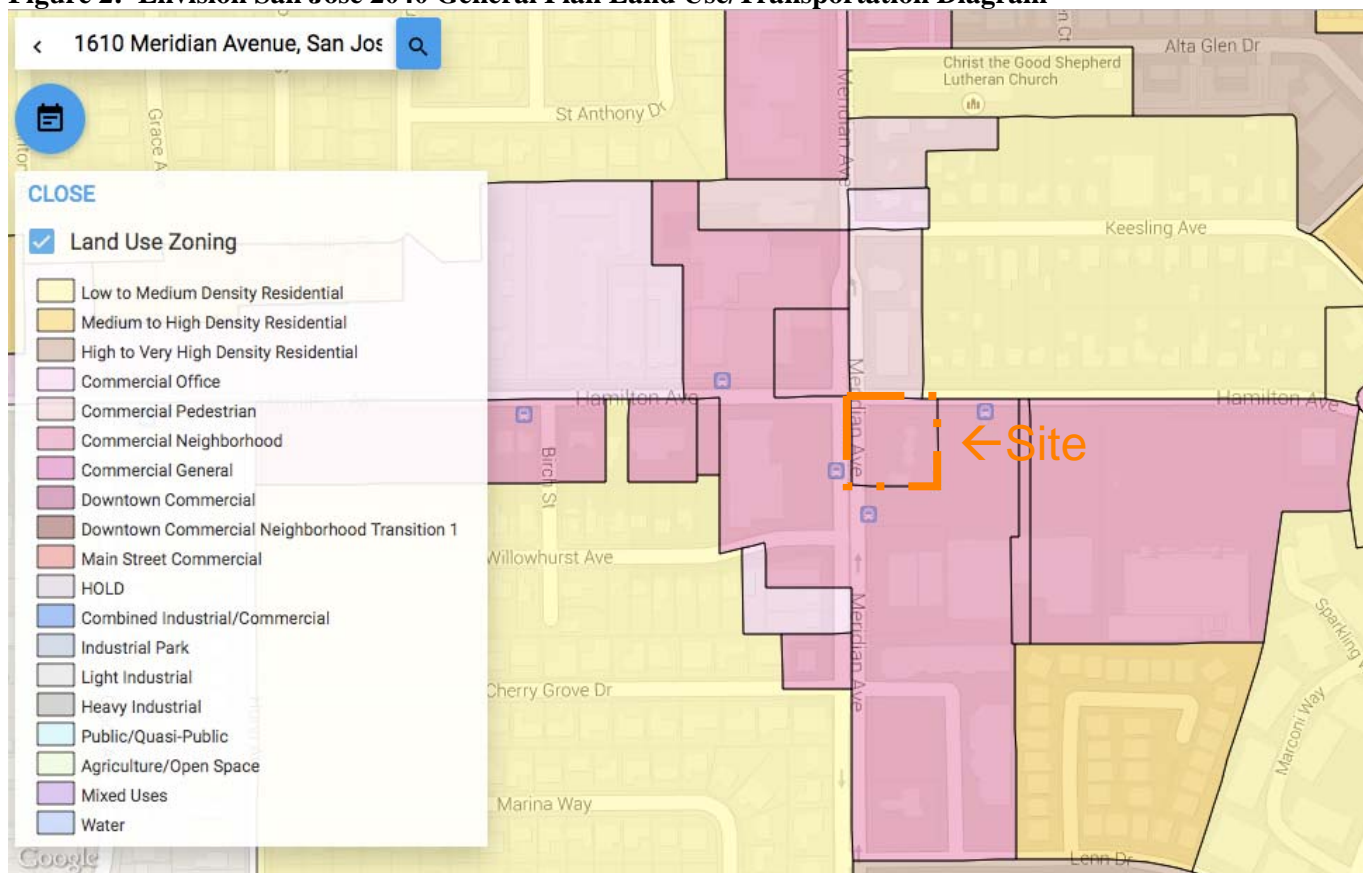
Density: FAR Up to 2.0 (1 to 4 stories)

This designation supports a very broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail and services and commercial/professional office development. Neighborhood / Community Commercial uses typically have a strong connection to and provide services and amenities for the nearby community and should be designed to promote that connection with an appropriate urban form that supports walking, transit use and public interaction. General office uses, hospitals and private community gathering facilities are also allowed in this designation.

Figure 1: Location Map

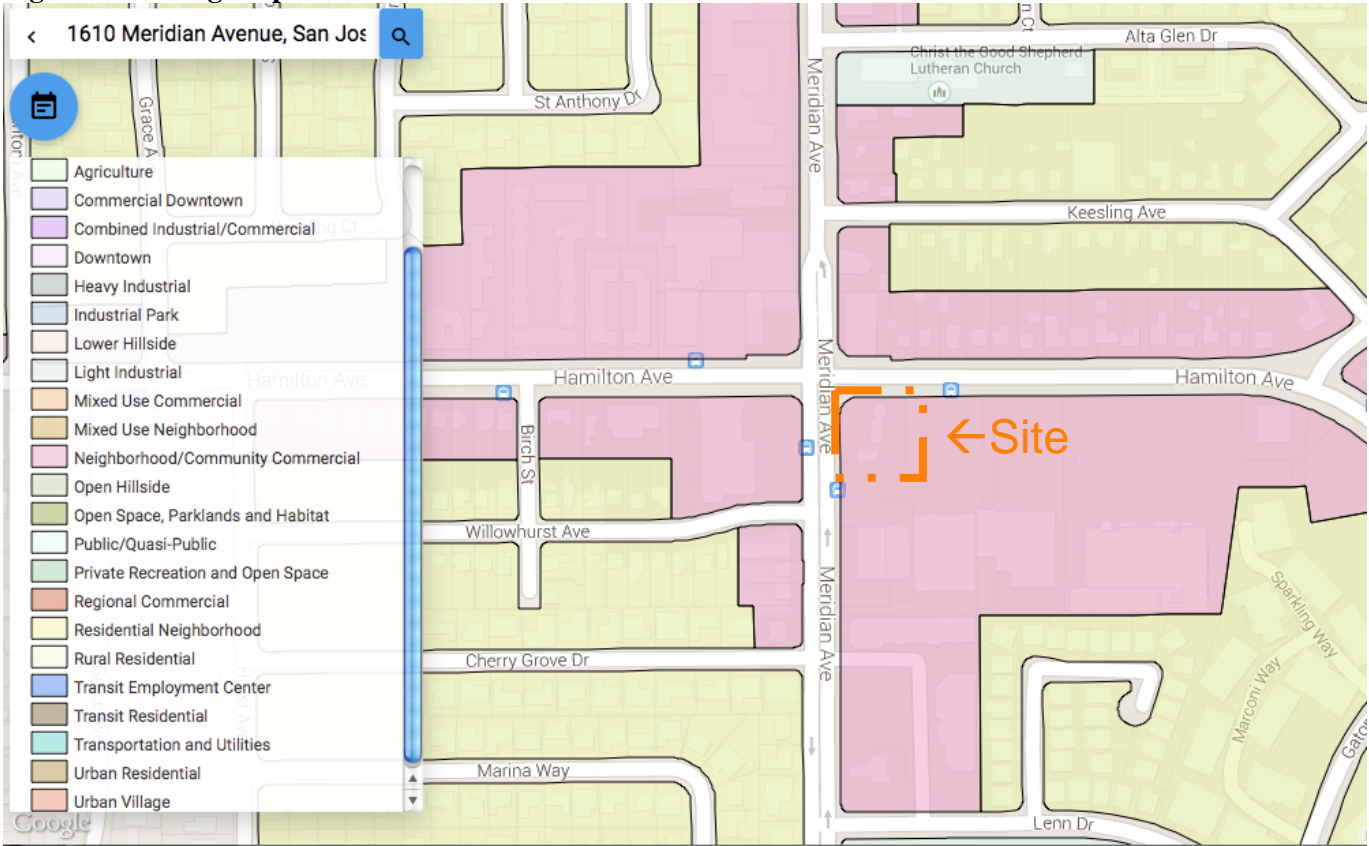


Source: Google Maps, 2015

Figure 2: Envision San Jose 2040 General Plan Land Use/Transportation Diagram

Source: Google, 2015 and City of San Jose

Figure 3: Zoning Map



Source: Google, 2015 and City of San Jose

DETERMINATION**On the basis of this initial study:**

<input type="checkbox"/>	I find the proposed project could not have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the project proponent has agreed to revise the project to avoid any significant effect. A MITIGATED NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find the proposed project could have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT(EIR) is required.
<input type="checkbox"/>	I find the proposed project could have a significant effect on the environment, but at least one effect has been (1) adequately analyzed in a previous document pursuant to applicable legal standards, and (2) addressed by mitigation measures based on the previous analysis as described in the attached initial study. An EIR is required that analyzes only the effects that were not adequately addressed in a previous document.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, no further environmental analysis is required because all potentially significant effects have been (1) adequately analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are included in the project, and further analysis is not required.

Date

3/20/2015

Signature

John Davidson

Name of Preparer: John Davidson, Senior Planner
Phone No.: 408/535-7895

I. AESTHETICS

Environmental Setting

Applicable Plans, Policies, and Regulations

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating visual and aesthetic impacts resulting from planned development within the City. All future development allowed by the proposed land use designations would be subject to the visual and aesthetic policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

Policy CD-1.1: Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.

Policy CD-1.8: Create an attractive street presence with pedestrian-scaled building and landscaping elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity throughout the City.

Policy CD-1.13: Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.

In addition to the policies of the Envision San José 2040 General Plan, future development allowed by the proposed land use designations would be required to comply with the San José Outdoor Lighting Policy (City Council Policy 4-3, as revised 6/20/00) and the Commercial Design Guidelines.

Impacts and Mitigation

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
b) Substantially damage scenic resources, including, but not limited to, trees, rock out-croppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

Findings:

a) **Less than significant impact.** The project site is located within an urbanized area of San Jose and is surrounded by one and two-story structures, with no scenic vistas.

b) **No impact.** No State designated scenic highways exist within the vicinity of the project, and no scenic resources exist on the site.

c) **Less than significant impact.** The proposed rezoning will allow development that is consistent with the character of the existing commercial neighborhood.

d) **Less than significant impact.** Development under the proposed zoning would not create a significant new source of substantial light or glare, because any new lighting would be required to comply with the City's Outdoor Lighting Policy.

Conclusion

Conformance with the above General Plan Policies and City development guidelines will ensure that aesthetic impacts would be reduced to a less than significant level at the time of future development of the site.

MITIGATION MEASURES: None.

II. AGRICULTURE RESOURCES

Environmental Setting

The project site is located within an urbanized area with no agricultural operations in the vicinity. The site is not designated Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency.

Applicable Plans, Policies, and Regulations

Various policies in the City's Envision San Jose 2040 General Plan have been adopted for the purpose of avoiding or mitigating agricultural impacts resulting from planned development within the City. All future development allowed by the proposed land use designations would be subject to the agricultural policies listed in the City's General Plan, including the following:

Policy LU-12.3: Protect and preserve the remaining farmlands within San José's sphere of influence that are not planned for urbanization in the timeframe of the Envision General Plan through the following means:

- Limit residential uses in agricultural areas to those which are incidental to agriculture.
- Restrict and discourage subdivision of agricultural lands. Encourage contractual protection for agricultural lands, such as Williamson Act contracts, agricultural conservation easements, and transfers of development rights.
- Prohibit land uses within or adjacent to agricultural lands that would compromise the viability of these lands for agricultural uses.
- Strictly maintain the Urban Growth Boundary in accordance with other goals and policies in this Plan.

Policy LU-12.4: Preserve agricultural lands and prime soils in non-urban areas in order to retain the aquifer recharge capacity of these lands.

Impacts and Mitigation

ENVIRONMENTAL IMPACTS	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4

Findings:

a-e) **No impact.** The project site is not located in an area identified as prime farmland, nor is the site being used for or zoned for agricultural use. Therefore, the proposed project will not result in a significant impact on the City's or Region's agricultural resources.

Conclusion

No Impact.

MITIGATION MEASURES: None.

III. AIR QUALITY

Environmental Setting

The project is located within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the local agency authorized to regulate stationary air quality sources in the Bay Area. The project site is bordered by Hamilton Avenue to the north, Meridian Avenue to the west, and the Dry Creek Shopping Center to the south and east.

The BAAQMD defines sensitive receptors as facilities where sensitive population groups are located, including residences, schools, childcare centers, convalescent homes, and medical facilities. The nearest sensitive receptors are residential uses located less than 500 feet to the north.

Applicable Plans, Policies, and Regulations

The City of San José is within the San Francisco Bay Area Air Quality Management District (BAAQMD). The District is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Air quality standards are set by the federal government (the 1970 Clean Air Act and its subsequent amendments) and the state (California Clean Air Act of 1988 and its subsequent amendments). Regional air quality management districts such as the BAAQMD must prepare air quality plans specifying how state standards would be met. The BAAQMD's most recently adopted Clean Air Plan (CAP) is the *Bay Area 2010 Clean Air Plan*.

The Federal Clean Air Act and the California Clean Air Act mandate the control and reduction of specific air pollutants. Under these Acts, the U.S. Environmental Protection Agency and the California Air Resources Board

have established ambient air quality standards for specific "criteria" pollutants, designed to protect public health and welfare. Primary criteria pollutants include carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxides (NO_x), particulate matter (PM₁₀), sulfur dioxide (SO₂), and lead (Pb). Secondary criteria pollutants include ozone (O₃), and fine particulate matter.

In connection with the implementation of the CAP, various policies in the General Plan have been adopted for the purpose of avoiding or mitigating air quality impacts from development projects. All future development allowed by the proposed land use designations would be subject to the air quality policies listed in the General Plan, including the following:

Policy MS-10.1: Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to state and federal standards. Identify and implement feasible air emission reduction measures.

Policy MS-10.2: Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.

Policy MS-11.1: Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.

Policy MS-11.5: Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.

Policy MS-13.1: Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

Policy CD-3.3: Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

Policy TR-9.1: Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.

In addition to the policies of the City's General Plan, all future development allowed by the proposed land use designations would be subject to the City's Grading Ordinance, which mandates that all earth moving activities shall include requirements to control fugitive dust, including regular watering of the ground surface, cleaning nearby streets, damp sweeping, and planting any areas left vacant for extensive periods of time.

ENVIRONMENTAL IMPACTS	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 13
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 13
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 13
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 13
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 13

Findings

a) **Less than significant impact.** The proposed rezoning would allow for a wider variety of commercial uses than those currently allowed under the existing A(PD) Planned Development zoning district. However, the proposed zoning is consistent with the site's General Plan Land Use/Transportation Diagram Designation of Neighborhood/Community Commercial, and therefore, will not conflict with the 2010 CAP.

b,c) **Less than significant impact.** The BAAQMD's 2012 CEQA Guidelines (June 2012) make recommendations for evaluation resources, including BAAQMD's CEQA Thresholds Options and Justification Report (2009), which are based on substantial evidence. The City of San José relies on the thresholds of significance and screening criteria established by the BAAQMD. The BAAQMD screening levels are based on the type and size of the project for determining air pollutant emissions.

The project is for a rezoning and does not include a specified project type (i.e. retail, office, restaurant) at this time. The existing gas station use will continue to operate as before with no expansion or change of use. Any new development type will be specified at the time of any future Site Development Permit application. However, due to the small size of the site it is likely that any restaurant (sit down, not fast food), office, or warehouse use will be well below the BAAQMD thresholds where an impact from criteria pollutants may occur. The possible exception would be for fast food restaurants and convenience stores, which would require additional air quality analysis at the Site Development Permit Stage if the project exceeds 6,000 square feet, 5,000 square feet, or 4,000 square feet, respectively, with the potential implementation of air quality mitigation. Therefore, the project is considered to have a less than significant air quality impact.

Temporary Air Quality impacts may result from demolition of the existing structures, excavation of soil, and other construction activities on the subject site. Implementation of the General Plan Policy MS-13.1, listed above, will reduce the temporary construction impacts to a less than significant level.

d) **Less than significant impact.** The proposed project is for a rezoning of the site from the A(PD) Planned Development District to the CN Neighborhood Commercial district, which conforms with the General Plan Land Use/Transportation Diagram. However, any future development of the site will require a Site Development Permit, during which the project will be evaluated for compliance with General Plan Policies, including MS-10.1, MS-10.2, and MS-13.1, as discussed above.

e) **Less than significant impact.** No new objectionable odors, beyond those already existing as a part of the gas station use, are anticipated with any new development on the site.

Conclusion

Conformance with the above General Plan Policies will ensure that air quality impacts would be reduced to a less than significant level at the time of future development of the site.

MITIGATION MEASURES: None.

IV. BIOLOGICAL RESOURCES

Environmental Setting

The project site is located within an urbanized area of San José. The site is almost entirely paved, with perimeter landscaping around the edges of the site. The project site has a low value for wildlife, due to the disturbed nature of the property and the site's isolation from known sensitive habitat areas.

Applicable Plans, Policies, and Regulations

Biological resources include plants and animals and the habitats that support them. Individual plant and animal species that are listed as rare, threatened or endangered under the state and/or federal Endangered Species Act, and the natural communities or habitats that support them, are of particular concern. Sensitive natural communities (e.g., wetlands, riparian woodlands, and oak woodland) that are critical to wildlife or ecosystem function are also important biological resources.

The avoidance and mitigation of significant impacts to biological resources under CEQA is consistent with and complementary to various federal, state, and local laws and regulations that are designed to protect these resources. Many of these regulations mandate that project sponsors obtain permits that include measures to avoid and/or mitigate impacts, prior to the commencement of development activities. Table 2 summarizes laws and regulations applicable to the proposed project.

Regulation of Biological Resources		
Law/Regulation	Objective(s)	Responsible Agencies
Federal Endangered Species Act California Endangered Species Act	Protect endangered species and their habitat and, ultimately restore their numbers to where they are no longer threatened or endangered.	USFWS, NOAA Fisheries CDFW
Federal Migratory Bird Treaty Act	Protect migratory birds, including their nests & eggs.	USFWS
California Fish & Game Code Section 3503.5	Protect birds of prey, including their nests & eggs.	CDFW
NOAA = National Oceanic & Atmospheric Administration USFWS = U.S. Fish & Wildlife Service CDFG = California Department of Fish & Wildlife		

In addition to the laws and regulations listed above, various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating biological impacts resulting from planned development within the City. All future development allowed by the proposed land use designations would be subject to the biological policies listed in the City's General Plan, including the following:

Policy ER-4.4: Require that development projects incorporate mitigation measures to avoid and minimize impacts to individuals of special-status species.

Policy ER-5.1: Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.

Policy ER-5.2: Require that development projects incorporate measures to avoid impacts to nesting migratory birds.

Policy MS-21.4: Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.

Policy MS-21.5: As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse affect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.

Policy MS-21.6: As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.

Policy MS-21.8: For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals:

1. Avoid conflicts with nearby power lines.
2. Avoid potential conflicts between tree roots and developed areas.
3. Avoid use of invasive, non-native trees.
4. Remove existing invasive, non-native trees.
5. Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species.
6. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species.

Policy CD-1.24: Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Any adverse effect on the health and longevity of such trees should be avoided through design measures, construction, and best maintenance practices. When tree preservation is not feasible include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.

The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (HCP) was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District, Santa Clara Valley Transportation Authority, U.S. Fish and Wildlife Service, and California Department of Fish and Wildlife. The HCP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The project site is located within the boundaries of the HCP and is designated Urban-Suburban. The site is well below the two acre threshold (at 0.47 acres) and it therefore not a covered project under the HCP.

ENVIRONMENTAL IMPACTS	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 9
b) Have a substantial adverse effect on any aquatic, wetland, or riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 9, 10
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 9
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,10
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

Findings

a) **Less than significant impact.** Future development of the site could result in the removal of mature trees that serve as habitat for nesting raptors and other migratory birds. However, the implementation of General Plan Policies ER-4.4, ER-5.1, and ER-5.2 (listed above), which call for surveys and implementation of protection measures for special status species (particularly migratory birds), will reduce potential impacts to a less than significant level. Habitat for other special status species does not exist on the site since it is already developed with a gas station.

b) **No impact.** The project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community, as the site is surrounding by existing development and is not located near any riparian areas or sensitive habitat.

c) **No impact.** The project is in an urbanized area away from any federally protected wetlands.

d) **No impact.** The project will not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

e) **Less than significant impact.** The City of San José has established regulations for removal of landscape trees at least 56 inches in circumference measured two feet above grade. At the development permit stage, the project applicant will be required to obtain a permit for the removal of ordinance-sized trees and provide for the replacement of removed trees in conformance with the City of San José Tree Ordinance. Replacement trees will be over and above the regular landscaping to be provided on the site.

f) **No impact.** The project site is located within the boundaries of the Santa Clara Valley HCP. The project does not affect any HCP land cover types or covered species. Furthermore, because the project site is less than two acres in size, it is considered a small project that would not contribute to a cumulative impact on nitrogen deposition/serpentine habitat/Bay checkerspot butterfly, and therefore will not be required to pay nitrogen deposition fees.

Conclusion

Conformance with the above General Plan Policies will ensure that biological impacts would be reduced to a less than significant level at the time of future development of the site.

MITIGATION MEASURES: None.

V. CULTURAL RESOURCES

Environmental Setting

The project site is developed with a gas station, sales kiosk, and carwash. The gas station was constructed in the early 1980s. None of the structures on site is listed on the City's Historic Resources Inventory. The project is not located within a mapped archeologically-sensitive area and is not located near any creeks or riparian areas where archeological remains are more likely to occur.

Applicable Plans, Policies, and Regulations

Section 15064.5 of the State CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on nonfederal land. These procedures are outlined in PRC Sections 5097 and 5097.98. These codes protect such remains from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establish the Native American Heritage Commission (NAHC) as the authority to resolve disputes regarding disposition of such remains.

The California Native American Historical, Cultural and Sacred Sites Act applies to both State and private lands. The Act requires that upon discovery of human remains, construction or excavation activity cease and the county coroner be notified. If the remains are of a Native American, the coroner must notify the NAHC. The NAHC then notifies those persons most likely to be related to the Native American remains. The Act stipulates the procedures that the descendants may follow for treating or disposing of the remains and associated grave goods.

Various policies in the City's *Envision San José 2040 General Plan* have been adopted for the purpose of reducing or avoiding impacts related to cultural resources, as listed below:

Policy ER-10.2: Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.

Policy ER-10.3: Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

Policy LU-14.3: Discourage demolition of any building or structure listed on or eligible for the Historic Resources Inventory as a Structure of Merit by pursuing the alternatives of rehabilitation, re-use on the subject site, and/or relocation of the resource.

ENVIRONMENTAL IMPACTS	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6, 7
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

Findings

a) **Less than significant impact.** None of the structures on the site are listed on the City's Historic Resources Inventory. Any future development in accordance with the new General Plan designation will have to comply with Policy ER-10.3, including a possible evaluation of the potential historical significance of structures proposed to be demolished.

b-c) **Less than significant impact.** The project site is located within a mapped archaeologically sensitive area; however, the site does not contain any known historic or other cultural resources. Future development will be required to adhere to General Plan Policies ER-10.2 and ER-10.3 (above) and Standard Project Conditions for the discovery of potential resources and human remains. Therefore, the proposed General Plan amendment would not result in impacts on cultural resources.

Conclusion

Conformance with the above General Plan Policies will ensure that cultural resources impacts would be reduced to a less than significant level at the time of future development of the site.

MITIGATION MEASURES: None.

VI. GEOLOGY AND SOILS

Environmental Setting

The project site is located in northern Santa Clara Valley, which is bounded by the Diablo Range to the east and the Santa Cruz Mountains to the west. The project site is flat with an average elevation of approximately 100 feet above mean sea level. The site is located in a region that contains active earthquake faults, including the San Andreas, Hayward, and Calaveras. The site is not located within a State of California Earthquake Fault Hazard Zone (1982) for active faulting, a City of San José Fault Hazard Zone (1983), or a Santa Clara County Geologic Hazard Zone for potential fault rupture hazard (2002). Furthermore, the site is not located in a mapped Liquefaction Zone.

Applicable Plans, Policies, and Regulations

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating geology and soil impacts resulting from planned development within the City. All future development allowed by the proposed land use designations would be subject to the geology and soil policies listed in the City's General Plan, including the following:

Policy EC-3.1: Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.

Policy EC-3.2: Within seismic hazard zones identified under the Alquist-Priolo Fault Zoning Act, California Seismic Hazards Mapping Act and/or by the City of San José, complete geotechnical and geological investigations and approve development proposals only when the severity of seismic hazards have been evaluated and appropriate mitigation measures are provided as reviewed and approved by the City of San José Geologist. State guidelines for evaluating and mitigating seismic hazards and the City-adopted California Building Code will be followed.

Policy EC-4.1: Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.

Policy EC-4.4: Require all new development to conform to the City of San José's Geologic Hazard Ordinance.

Policy EC-4.5: Ensure that any development activity that requires grading does not impact adjacent properties, local creeks and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, are adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.

Policy EC-4.7: Consistent with the San José Geologic Hazard Ordinance, prepare geotechnical and geological investigation reports for projects in areas of known concern to address the implications of irrigated landscaping to slope stability and to determine if hazards can be adequately mitigated.

ENVIRONMENTAL IMPACTS	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 23
2) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
3) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2
4) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2

Findings

a.1) **No impact.** The site is not located in close proximity to a known earthquake fault.

a.2-3) **Less than significant impact.** The site is not located within a Geologic Hazard Zone or Liquefaction Zone. A geotechnical investigation report may be required at a future development permit stage. The project site is located within the seismically active San Francisco region, which requires that the building be designed and built in conformance with the requirements of the 1997 Uniform Building Code for Seismic Zone 4. The potential for geologic and soils impacts resulting from conditions on the site can be mitigated by utilizing standard engineering and construction techniques. As the project includes these required measures, the potential for seismic impacts will be less than significant.

a.4) **No impact.** The site is flat and is located away from hilly terrain where landside risks are present.

b) **Less than significant impact.** Any development in conformance with the new zoning designation will require demolition, pavement removal, and grading that could result in a temporary increase in erosion. This increase in erosion is expected to be minor due to the small size and flat topography of the site. The project will implement the standard project conditions for erosion control during construction.

c, d) **Less than significant impact.** Any future construction will be designed and constructed in accordance with the recommendations of any geotechnical investigations prepared for the development, and will be required to comply with the most recent California Building Code.

e) **No impact.** The project site does not include any septic systems. Future development would tie into the City's existing sanitary sewer system.

Conclusion

Conformance with the above General Plan Policies will ensure that geology and soils impacts would be reduced to a less than significant level at the time of future development of the site.

MITIGATION MEASURES: None.

VII. GREENHOUSE GAS EMISSIONS

Setting

Various gases in the earth's atmosphere, classified as atmospheric greenhouse gases (GHGs), play a critical role in determining the earth's surface temperature. Solar radiation enters the atmosphere from space and a portion of the radiation is absorbed by the earth's surface. The earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation. Greenhouse gases, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, this radiation that otherwise would have escaped back into space is retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect, or climate change, are carbon dioxide (CO₂), methane (CH₄), ozone (O₃), water vapor, nitrous oxide (N₂O), and chlorofluorocarbons (CFCs). Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for enhancing the greenhouse effect. In California, the transportation sector is the largest emitter of GHGs, followed by electricity generation.

Applicable Plans, Policies, and Regulations

The Bay Area Air Quality Management District established three thresholds of significance standards for determining if a development project would have a significant impact due to GHG emissions. These standards are: (1) demonstrated compliance with a qualified climate action plan or qualified general plan; (2) annual GHG emissions of less than 1,100 metric tons of CO₂e per year; or (3) annual GHG emissions of less than 4.6 metric tons per service population (residents plus employees). Projects that meet one of these three standards are considered to have a less-than-significant project impact for GHG emissions.

BAAQMD, in their 2010 California Environmental Quality Act Air Quality Guidelines (2011 Update), established operational GHG screening criteria for GHG emissions based on land use type and project size using default emission assumptions in the URBEMIS GHG emission model. Projects smaller than the applicable screening criteria for the subject land use will not exceed the 1,100 MT of CO₂e/yr GHG threshold of significance, and therefore will be considered to have a less than significant impact for GHG emissions. Projects larger than the BAAQMD screening criteria for the subject land use are required to analyze operational GHG emissions to determine if a significant GHG emission impact would occur.

ENVIRONMENTAL IMPACTS	<i>Potentially Significant Issues</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Source(s)</i>
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 13
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 13

Findings

a) **Less than significant impact.** The project proposes to rezone to the CN Neighborhood Commercial zoning district, which will allow greater flexibility in the types of uses that can be permitted on the site. Potential land uses include retail, restaurants, and offices in addition to the gas station and carwash uses allowed under the CN Neighborhood Commercial district. Due to the small size of the site (about ½ acre) and the provision of off-street parking required by the Municipal Code, any future development of the site will be small in scale and likely well below the BAAQMD's operational GHG screening criteria. If the future development is for an expansion of the existing gas station, for a fast food restaurant (with or without a drive through), or a convenience store the BAAQMD operational GHG screening level is 1,000 square feet of floor area, so projects above this size would be required to conduct a GHG analysis at the Site Development Permit stage. The project is considered to have a less than significant impact for GHG emissions.

b) **Less than significant impact.** The project will not conflict with any other applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Future development will comply with General Plan Policies established for the purpose of reducing GHG emissions.

Conclusion

The size of any future development under the proposed zoning will be below BAAQMD's screening criteria for General Light Industry projects that could generate significant GHG emissions.

MITIGATION MEASURES: None.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Setting

The project site is currently occupied by a gas station that is approximately 35 years old. Given the age of these structures, it is unlikely that they would contain hazardous building materials such as lead paint and asbestos. The site is located in a predominately commercial area and surrounded by a single-story commercial strip mall. Given the site's location, the site was likely used for agricultural purposes prior to being developed.

The site is not listed on any local, statewide, or federal hazardous materials databases.

Applicable Plans, Policies, and Regulations

Hazardous materials encompass a wide range of substances, some of which are naturally-occurring and some of which are man-made. Examples include pesticides, herbicides, petroleum products, metals (e.g., lead, mercury,

arsenic), asbestos, and chemical compounds used in manufacturing. Determining if such substances are present on or near project sites is important because, by definition, exposure to hazardous materials above regulatory thresholds can result in adverse health effects on humans, as well as harm to plant and wildlife ecology.

Due to the fact that these substances have properties that are toxic to humans and/or the ecosystem, there are multiple regulatory programs in place that are designed to minimize the chance for unintended releases and/or exposures to occur. Table 3 summarizes many of these regulations.

Regulation of Hazardous Materials	
Agency	Responsibilities
U.S. Environmental Protection Agency (EPA)	Oversees Superfund sites; evaluates remediation technologies; develops standards for hazmat disposal & cleanup of contamination; implements Clean Air & Clean Water Acts.
U.S. Department of Transportation (DOT)	Regulates and oversees the transportation of hazardous materials.
U.S. Occupational Safety & Health Administration (OSHA)	Implements federal regulations and develops protocol regarding the handling of hazmat for the protection of workers.
CA Department of Toxic Substances Control (DTSC)	Authorized by EPA to implement & enforce various federal hazmat laws & regulations; implements state hazmat regulations; oversees remediation of contamination at various sites.
CA Occupational Safety & Health (Cal-OSHA)	Implements state regulations and develops protocol regarding the handling of hazmat for the protection of workers.
CA Air Resources Board/Bay Area Air Quality Management District (BAAQMD)	Regulates emissions of toxic air contaminants & requires public dissemination information regarding the risk of such emissions.
CA Water Resources Control Board/Regional Water Quality Control Board (RWQCB)	Regulates the discharge of hazmat to surface and ground waters; oversees remediation of contamination at various sites.
Santa Clara County Department of Environmental Health (SCCDEH)	Oversees & enforces state/local regulations pertaining to hazardous waste generators and risk management programs, including the California Accidental Release Program.
City of San José Fire Department (SJFD)	Implements City's Toxic Gas and Hazardous Material Storage Ordinances; requires businesses that use or store hazmat to prepare a management plan; regulates installation & removal of above- and below-ground storage tanks; reviews plans for compliance with the Uniform Fire and the Flammable & Combustible Liquids Codes.

In addition to the above regulations, various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating hazards and hazardous materials impacts resulting from planned development within the City. All future development allowed by the proposed land use designation changes will be subject to the hazards and hazardous materials policies of the City's General Plan, including the following:

Policy MS-13.2: Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxics control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

Policy EC-7.1: For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.

Policy EC-7.2: Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.

Policy EC-7.4: On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous

building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.

Policy EC-7.5: On development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/ or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and state requirements.

Action EC-7.10: Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

Action EC-7.11: Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential, commercial, or industrial shall be provided.

Impacts and Mitigation

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 11
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 24
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

Findings

a-b) **Less than significant impact.** The area around the project site has a history of agricultural uses, and therefore soils may contain residual pesticides and herbicides. The existing gas station use stores hazardous materials on site and utilized underground storage tanks. Furthermore, the existing structures may contain asbestos and/or lead based paint. Any future redevelopment of the site in accordance with the proposed zoning be required

to comply with Envision San Jose 2040 General Plan Policies for the evaluation, remediation, and transport of any hazardous substances, particularly Policies MS-13.2, EC-7.1, EC-7.2, EC-7.5, EC-7.10, and EC-7.11 (listed above). Furthermore, in conformance with State and Local laws, a visual inspection/pre-demolition survey, and possible sampling, will be conducted prior to the demolition of on-site structures to determine the presence of asbestos-containing materials and/or lead-based paint. Demolition done in conformance with these Federal, State and Local laws and regulations, will avoid significant exposure of construction workers and/or the public to asbestos and lead-based paint. Compliance with these policies will reduce any potential on site hazards to a less than significant level.

c) **Less than significant impact.** The project site is located less than a half mile from Booksin Elementary School (1590 Dry Creek Road). As discussed in the response to checklist items “a” and “b” above, any future redevelopment of the site will be required to comply with Envision San Jose 2040 Policies for the evaluation, remediation, and transport of hazardous materials.

d) **No impact.** The project is not currently included on the State Department of Toxic Substance Control’s (DTSC) Hazardous Waste and Substances Site List (Cortese List), nor is the site listed on other federal, state or local hazardous materials databases.

e-f) **No impact.** The project site is not located within the boundaries of an airport land use plan, and is not located within two miles of any public use airport or private airstrip.

g) **No impact.** The project will not impair implementation or physically interfere with an adopted emergency evacuation plan or emergency response plan, as any future redevelopment will be required to comply with San Jose Fire Department Requirements.

h) **No impact.** The site is not located within the urban/wildland interface and is surrounded by existing urban development.

Conclusion

Conformance with the above General Plan Policies will ensure that hazards and hazardous material impacts would be reduced to a less than significant level at the time of future development of the site.

MITIGATION MEASURES: None.

IX. HYDROLOGY AND WATER QUALITY

Setting

There are no waterways present on the project site or immediate vicinity. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), the project site is not located within a flood zone.

Applicable Plans, Policies, and Regulations

Various policies in the City’s General Plan have been adopted for the purpose of avoiding or mitigating hydrology impacts resulting from planned development within the City. All future development allowed by the proposed land use designation changes will be subject to the hydrology policies of the City’s General Plan, including the following:

Policy ER-8.1: Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.

Policy ER-8.3: Ensure that private development in San José includes adequate measures to treat stormwater runoff.

Policy ER-8.4: Assess the potential for surface water and groundwater contamination and require appropriate preventative measures when new development is proposed in areas where storm runoff will be directed into creeks upstream from groundwater recharge facilities.

Policy ER-8.5: Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.

Policy ER-9.2: In consultation with the SCVWD restrict or carefully regulate public and private development in upland areas to prevent uncontrolled runoff that could impact the health and stability of streams.

Policy EC-4.1: Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.

Policy EC-5.7: Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.

Action EC-5.16: Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.

Policy IN-3.9: Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.

In addition to the policies above, future redevelopment of the site will be required to comply with two City Council Policies on stormwater runoff and modification. The City's Post-Construction Urban Runoff Management Policy (6-29) establishes specific requirements to minimize and treat stormwater runoff from new and redevelopment projects, while the City's Post-Construction Hydromodification Management Policy (8-14) establishes an implementation framework for incorporating measures to control hydromodification impacts from development projects.

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 14
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

ENVIRONMENTAL IMPACTS	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 8
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 8
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
j) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

Findings

a) **Less than significant impact.** The proposed residential project will not violate any water quality standards or waste discharge requirements as described in c - e) below.

b) **No impact.** The project will not deplete or otherwise affect groundwater supplies or recharge, since the project is not located within a groundwater recharge area.

c- e) **Less than significant impact.** Future construction related to redevelopment of the site will require demolition, pavement removal, and grading activities that could result in a temporary increase in erosion affecting the quality of storm water runoff. This increase in erosion is expected to be minimal, due to the small size and flatness of the site. Any future redevelopment of the project site will implement standard measures, as described below, to minimize erosion and water quality impacts.

Any future construction or demolition activity that results in land disturbance equal to or greater than one acre must comply with the Construction General Permit (CGP), administered by the State Water Resources Control Board (SWRCB). The CGP requires the installation and maintenance of Best Management Practices (BMPs) to protect water quality until the site is stabilized.

If the project is subject to the CGP, prior to the commencement of construction or demolition, the project must file a Notice of Intent (NOI) with the SWRCB and develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants associated with construction activities. All development projects, whether subject to the CGP or not, shall comply with the City of San Jose's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. Prior to the issuance of a permit for grading activity occurring during the rainy season (October 15 to April 15), the project will submit to the Director of Public Works an Erosion Control Plan detailing BMPs that will prevent the discharge of stormwater pollutants.

Water Quality-Post Construction

The City of San José is required to operate under a Municipal Stormwater NPDES Permit to discharge stormwater from the City's storm drain system to surface waters. On October 14, 2009, the San Francisco Bay Regional Water

Quality Control Board adopted the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MRP) for 76 Bay Area municipalities, including the City of San José.

The Municipal Regional Permit (NPDES Permit No. CAS612008) mandates the City of San José, through its development review authority, require stormwater management measures such as Site Design, Pollutant Source Control and Treatment measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff.

Provision C.3 of the MRP regulates the following types of development projects;

- projects that create or replace 10,000 square feet or more of impervious surface;
- Special Land Use Categories¹ that create or replace 5,000 square feet or more of impervious surface.

The MRP requires regulated projects to include Low Impact Development (LID) practices, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site's natural hydrologic functions. The MRP also requires that stormwater treatment measures are properly installed, operated and maintained.

Future redevelopment will create or replace impervious surface. Based its size and land use, future development will likely be required to comply with the LID stormwater management requirements of Provision C.3 of the Municipal Regional Permit.

The Municipal Regional Permit also requires regulated projects to include measures to control hydromodification impacts where the project would otherwise cause increased erosion, silt pollutant generation, or other adverse impacts to local rivers and creeks. Development projects that create and/or replace one acre or more of impervious surface and are located in a subwatershed or catchment that is less than 65% impervious, must manage increases in runoff flow and volume so that post-project runoff shall not exceed estimated pre-project rates and durations.

The City has developed policies that implement Provision C.3, consistent with the Municipal Regional Permit. The City's Post-Construction Urban Runoff Management Policy (6-29) establishes specific requirements to minimize and treat stormwater runoff from new and redevelopment projects. The City's Post-Construction Hydromodification Management Policy (8-14) establishes an implementation framework for incorporating measures to control hydromodification impacts from development projects.

Implementation of the following standard conditions, consistent with NPDES Permit and City Policy requirements, will reduce potential construction and post-construction impacts to surface water quality to less than significant levels:

Construction Measures

- Prior to the commencement of any clearing, grading or excavation, the project shall comply with the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) Construction General Permit, as follows:
 1. The applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB).
 2. The applicant shall develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants including sediments associated with construction activities. The SWPPP shall identify current construction-period Best Management Practices, as described in the CASQA Construction Handbook (August 2011).

¹ Special Land Use Categories are defined as uncovered parking areas (stand-alone or part of another use), restaurants, auto service facilities, and retail gasoline outlets.

- The project applicant shall comply with the City of San Jose Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San Jose Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.
- Typical measures that will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction include but are not limited to:
 1. Utilize on-site sediment control BMPs to retain sediment on the project site;
 2. Utilize stabilized construction entrances and/or wash racks;
 3. Implement damp street sweeping;
 4. Provide temporary cover of disturbed surfaces to help control erosion during construction;
 5. Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

Post-Construction

- The project shall comply with applicable provisions of the following City Policies: City Council Policy 6-29 Post-Construction Urban Runoff Management and City Council Policy 8-14 Post-Construction Hydromodification Management.
- Details of specific Site Design, Pollutant Source Control, and Stormwater Treatment Control Measures demonstrating compliance with Provision C.3 of the Municipal Regional Stormwater Permit (NPDES Permit Number CAS612008), shall be included in the project design, to the satisfaction of the Director of Planning, Building and Code Enforcement.

Future redevelopment of the site will be required to comply with the above standards, and therefore will reduce potential stormwater and erosion impacts to a less than significant level.

f) **Less than significant impact.** As discussed under impacts c – e, above, future redevelopment of the site will be required to comply with all applicable stormwater and water pollution control requirements.

g, h) **No impact.** Based on the effective FEMA Flood Insurance Rate Maps for the City of San Jose, the project site is not located within a 100-year floodplain and would therefore have no impact on 100-year flows. Flood zone D is an area of undetermined flood hazard but flooding is possible. The project would not expose people to flood hazards associated with the 100-year flood.

i) **No impact.** The project site is not located within an area that is subject to flooding due to dam failure.

j) **No impact.** The site is not subject to seiche or tsunami.

Conclusion

Conformance with the above General Plan Policies and Standard Project Conditions will ensure that hydrology and water quality impacts would be reduced to a less than significant level at the time of future development of the site.

MITIGATION MEASURES: None.

X. LAND USE AND PLANNING

Setting

The project site currently has a General Plan Land Use/Transportation Diagram designation of Combined Industrial/Commercial and a zoning of Industrial Park. As described in the Project Description, the site is currently developed with a gas station.

Applicable Plans, Policies, and Regulations

Many of the policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating land use impacts resulting from planned development within the City. All future development allowed by the proposed land use designations would be subject to the land use policies of the City's General Plan, including the following:

Policy LU-1.1: Encourage Walking. Create safe, attractive, and accessible pedestrian connections between developments and to adjacent public streets to minimize vehicular miles traveled.

Policy LU-1.2: Create safe, attractive, and accessible pedestrian connections between developments and to adjacent public streets to minimize vehicular miles traveled.

Policy LU-4.1: Retain existing commercial lands to provide jobs, goods, services, entertainment, and other amenities for San José's workers, residents, and visitors.

Goal LU-8: Maintain Appropriately Designated Employment Areas for a Mix of Industrial and Compatible Commercial Uses.

Policy LU-9.5: Require that new residential development be designed to protect residents from potential conflicts with adjacent land uses.

Policy LU-9.7: Ensure that new residential development does not impact the viability of adjacent employment uses that are consistent with the *Envision General Plan* Land Use / Transportation Diagram.

Policy LU-9.17: Limit residential development in established neighborhoods that are not identified growth areas to projects that conform to the site's Land Use / Transportation Diagram designation and meet Urban Design policies in this Plan.

Policy LU-11.6: For new infill development, match the typical lot size and building form of any adjacent development, with particular emphasis given to maintaining consistency with other development that fronts onto a public street to be shared by the proposed new project. As an exception, for parcels already developed with more than one dwelling unit, new development may include up to the same number of dwelling units as the existing condition. The form of such new development should be compatible with and, to the degree feasible, consistent with the form of the surrounding neighborhood pattern.

In addition to the policies of the San José General Plan, future development allowed by the proposed land use designations would be required to comply with the San José Residential Design Guidelines, which includes parameters for setbacks, building design, landscaping, screening, and lighting, all of which are factors in ensuring land use compatibility.

ENVIRONMENTAL IMPACTS	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

Findings

a) **No impact.** Projects that have the potential to physically divide an established community include new freeways and highways, major arterials streets, and railroad lines. Any future redevelopment of the site would occur within an existing neighborhood, and would therefore not physically divide an established community.

b) **Less than significant impact.** The proposed CN Neighborhood Commercial zoning designation conforms with the site's General Plan Land Use/Transportation Diagram designation of Neighborhood/Community Commercial.

Future development on the site will be subject to architectural and site design review by the City at the Development Permit stage. Such review will include conformance with the City's adopted Commercial Design Guidelines. The Guidelines are intended to ensure that new development is compatible with existing neighborhood character and does not adversely impact neighboring residential uses. Therefore, a less than significant impact would occur as a result of the project.

c) **No impact.** The project site is within the boundaries of the Santa Clara Valley Habitat Conservation Plan. However, as discussed in the Biological Resources section under impact "f," the site contains no HCP land cover types or covered species. Nitrogen deposition impact fees will not apply.

Conclusion

Conformance with the above General Plan Policies will ensure that land use and planning impacts would be reduced to a less than significant level at the time of future development of the site.

MITIGATION MEASURES: None.

XI. MINERAL RESOURCES

Setting

Under the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated only the Communications Hill Area of San José as containing mineral deposits of regional significance for aggregate (Sector EE). There are no mineral resources in the project area. Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits that are of statewide significance or for which the significance requires further evaluation. Other than the Communications Hill area cited above, San José does not have mineral deposits subject to SMARA. The project site lies outside of the Communications Hill area.

ENVIRONMENTAL IMPACTS	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,23
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,23

Findings

a – b) **No impact.** The project site is outside of the Communications Hill area, and will therefore not result in a significant impact from the loss of availability of a known mineral resource.

Conclusion

The project site is located outside of an area of known mineral resources. Therefore, future development of the site will not result in any significant effects to these resources.

MITIGATION MEASURES: None.

XII. NOISE

Setting

The project site is located near to the high-volume intersection of Meridian and Hamilton Avenues and ambient noise levels are approximately 70-74 dB.

Applicable Plans, Policies, and Regulations

The City of San Jose Municipal Code restricts construction hours within 500 feet of a residential unit to the hours of 7:00 AM to 7:00 PM Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval.²

The Envision San José 2040 General Plan and the San José Municipal Code include the following criteria for land use compatibility and acceptable noise levels in the City:

Policy EC-1.1: Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review.

Applicable standards and guidelines for land uses in San José include:

- **Interior Noise Levels:** The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Appropriate site and building design, building construction and noise attenuation techniques should be included in new development to meet this standard.
- **Exterior Noise Levels:** The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (Table EC-1 of the General Plan). The acceptable

² The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

exterior noise level objective is established for the City, except in environs of the San José International Airport and the Downtown, as described below:

- For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. Some common use areas that meet the 60 dBA DNL exterior standard will be available to all residents. Use noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas. On sites subject to aircraft overflights or adjacent to elevated roadways, use noise attenuation techniques to achieve the 60 dBA DNL standard for noise from sources other than aircraft and elevated roadway segments.
- For single family residential uses, use a standard of 60 dBA DNL for exterior noise in private usable outdoor activity areas, such as backyards.

Policy EC-1.2: Considers noise impacts significant if a project would increase noise levels on adjacent sensitive land uses including residences as follows:

- Cause the DNL (Day-Night Sound Level) at noise sensitive receptors to increase by five dB DNL or more where the noise levels would remain “Normally Acceptable”; or
- Cause the DNL at noise sensitive receptors to increase by three dB DNL or more where noise levels would equal or exceed the “Normally Acceptable” level.

Policy EC-1.7: Requires construction operations to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City’s Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:

- Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

Policy EC-1.9: Noise studies are required for land use proposals where known or suspected loud intermittent noise sources occur which may impact adjacent existing or planned land uses. For new residential development affected by noise from heavy rail, light rail, BART or other single-event noise sources, mitigation will be implemented so that recurring maximum instantaneous noise levels do not exceed 50 dBA Lmax in bedrooms and 55 dBA Lmax in other rooms.

Policy EC-1.14: Require acoustical analyses for proposed sensitive land uses in areas with exterior noise levels exceeding the City’s noise and land use compatibility standards to base noise attenuation techniques on expected General Plan traffic volumes to ensure land use compatibility and General Plan consistency.

Policy EC-2.1: Near light and heavy rail lines or other sources of ground-borne vibration, minimize vibration impacts on people, residences, and businesses through the use of setbacks and/or structural design features that reduce vibration to levels at or below the guidelines of the Federal Transit Administration. Require new development within 100 feet of rail lines to demonstrate prior to project approval that vibration experienced by residents and vibration sensitive uses would not exceed these guidelines.

ENVIRONMENTAL IMPACTS	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 12, 17
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

Findings

a) **Less than significant impact.** The exterior noise level at the site is estimated between 70 and 74 dBA due to traffic noise from Meridian and Hamilton Avenues. Future redevelopment of the site will be required to comply with Envision San Jose 2040 noise Policies EC-1.1, EC-1.2, EC-1.9, and EC-1.14, which may require a noise study evaluating the effects of traffic noise on future occupants. Furthermore, standard construction techniques and the inclusion of mechanical ventilation will allow for further noise reductions in the interior of any future residences.

b) **No impact.** The site is not located near railroad or VTA right-of-way.

c) **Less than significant impact.** The use of the site will remain commercial under the new zoning. Future redevelopment of the site is not anticipated to result in a significant increase in additional noise above existing ambient noise levels. Compliance with General Plan Policies EC-1.2 and EC-1.7 will reduce any potential increase in ambient noise to a less than significant level.

d) **Less than significant impact.** Future redevelopment will be required to comply with Standard Project Conditions for construction noise in the Municipal Code and General Plan Policy EC-1.7, which will reduce future construction noise to a less than significant level.

e-f) **No impact.** The project site is not located within the boundaries of an airport land use plan, and is not located within two miles of any public use airport or private airstrip.

Conclusion

Conformance with the above General Plan Policies, Municipal Code sections, and Standard Project Conditions will ensure that noise impacts would be reduced to a less than significant level at the time of future development of the site.

MITIGATION MEASURES: None.

XIII. POPULATION AND HOUSING

Setting

The project site is currently developed with a gas station, sales kiosk, and carwash.

ENVIRONMENTAL IMPACTS	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

Findings

a - c) **No impact.** The proposed rezoning would change the site's zoning to Commercial Neighborhood. Future development in accordance with the Commercial Neighborhood zoning district would allow development of commercial and/or industrial uses. No housing can be constructed on site.

Conclusion

The project would not result in significant population or housing impacts in the City.

MITIGATION MEASURES: None.

XIV. PUBLIC SERVICES

Setting

The project site is located within the City of San Jose City limits and is served by the San Jose Fire Department and San Jose Police Department, the Campbell Union Elementary School District, and the Campbell Union High School District.

Applicable Plans, Policies, and Regulations

All future development allowed by the proposed land use designation changes will be subject to the Envision San Jose 2040 General Plan policies that offset the demand created by residential development upon schools and parkland, respectively:

Policy FS-5.6: When reviewing major land use or policy changes, consider the availability of police and fire protection, parks and recreation and library services to the affected area as well as the potential impacts of the project on existing service levels.

Policy FS-5.7: Encourage school districts and residential developers to engage in early discussions regarding the nature and scope of proposed projects and possible fiscal impacts and mitigation measures early in the project planning stage, preferably immediately preceding or following land acquisition.

Policy PR-1.1: Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.

Policy PR-1.2: Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.

Policy PR-1.3: Provide 500 square feet per 1,000 population of community center space.

Policy ES-3.8: Use the Land Use / Transportation Diagram to promote a mix of land uses that increase visibility, activity and access throughout the day and to separate land uses that foster unsafe conditions.

Policy ES-3.11: Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.

ENVIRONMENTAL IMPACTS	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
a) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
b) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
e) Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

Findings

a - e) **Less than significant impact.** The project site is located in an urbanized area of San Jose, which is served by existing Fire, Police, School, Park and other Public Facilities. The site is served by Fire Station Number 6, located at 1386 Cherry Avenue, approximately one mile from the site. No additional Fire or Police personnel or equipment are necessary to serve the proposed project.

The nearest parks to the project site are Bramhall Park on Willow Street, north of the site, and Wilcox Park, east of the site, just south of Pine Avenue.

Conclusion

Conformance with the above General Plan Policies will ensure that public service impacts would be reduced to a less than significant level at the time of future development of the site.

MITIGATION MEASURES: None.

XV. RECREATION

Setting

The nearest parks to the project site are Bramhall Park on Willow Street, north of the site, and Wilcox Park, east of the site, just south of Pine Avenue. Both are approximately one-half mile from the project site.

Applicable Plans, Policies, and Regulations

All future development allowed by the proposed land use designation changes will be subject to the City of San José Parkland Dedication Ordinance (PDO) (Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO). These ordinances require residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project in the City is required to conform to both the PDO and PIO. Furthermore, new residential development shall comply with the following Envision San Jose 2040 General Plan Policies regarding recreation:

Policy PR-1.1: Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.

Policy PR-1.2: Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.

Policy PR-1.3: Provide 500 square feet per 1,000 population of community center space.

Policy PR-2.5: Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, dog parks, sport fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

Findings

a) **No impact.** Any future redevelopment of the site in conformance with the proposed CN Neighborhood Commercial zoning district would result in a small net increase in employees. This small increase is not anticipated to result in the need for new recreational facilities.

Any redevelopment of the site under the CN Neighborhood Commercial Zoning District involving residential uses would be subject to a Special or Conditional Use Permit, and subject to additional environmental review. Any future residential development would be subject to the City's PDO/PIO ordinance. Therefore, the rezoning, in and of itself, will not increase the use of existing parks such that substantial deterioration would occur or be accelerated.

b) **No impact.** Any future redevelopment of the site in conformance with the proposed CN Neighborhood Commercial zoning district would result in a small net increase in employees. This small increase is not anticipated to result in the need for new recreational facilities.

Conclusion

Conformance with the above General Plan Policies will ensure that recreation impacts would be reduced to a less than significant level at the time of future development of the site.

MITIGATION MEASURES: None.

XVI. TRANSPORTATION / TRAFFIC

Setting

The project site is located near to the high-volume intersection of Meridian and Hamilton Avenues.

Applicable Plans, Policies, and Regulations

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating transportation and traffic impacts resulting from planned development within the City. All future development allowed by the proposed land use designation would be subject to the transportation policies of the City's General Plan, including the following:

Policy CD-2.10: Recognize that finite land area exists for development and that density supports retail vitality and transit ridership. Use land use regulations to require compact, low-impact development that efficiently uses land planned for growth, especially for residential development which tends to have a long life-span. Strongly discourage small-lot and single-family detached residential product types in Growth Areas.

Policy CD-3.3: Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

Policy CD-3.6: Encourage a street grid with lengths of 600 feet or less to facilitate walking and biking. Use design techniques such as multiple building entrances and pedestrian paseos to improve pedestrian and bicycle connections.

Policy TR-5.3: The minimum overall roadway performance during peak travel periods should be level of service "D" except for designated areas. How this policy is applied and exceptions to this policy are listed in the following bullets:

- **Vehicular Traffic Mitigation Measures.** Review development proposals for their impacts on the level of service and require appropriate mitigation measures if development of the project has the potential to reduce the level of service to "E" or worse. These mitigation measures typically involve street improvements. Mitigation measures for vehicular traffic should not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts.
- **Area Development Policy.** An "area development policy" may be adopted by the City Council to establish special traffic level of service standards for a specific geographic area which identifies development

impacts and mitigation measures. These policies may take other names or forms to accomplish the same purpose. Area development policies may be first considered only during the General Plan Annual Review and Amendment Process; however, the hearing on an area development policy may be continued after the Annual Review has been completed and the area development policy may thereafter be adopted or amended at a public meeting at any time during the year.

- **Small Projects.** Small projects may be defined and exempted from traffic analysis per the City's transportation policies.
- **Special Strategy Areas.** In recognition of the unique characteristics and particular goals of Special Strategy Areas, intersections identified as Protected Intersections within these areas, may be exempt from traffic mitigation requirements. Special Strategy Areas are identified in the City's adopted General Plan and include Urban Villages, Transit Station Areas, and Specific Plan Areas.

Policy TR-9.1: Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 18, 25
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 18, 25
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 24
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 18, 19
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 20
f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 18

Findings

a, b) **Less than significant impact.** Due to the small size of the project site and the density of surrounding neighborhoods, any future development on the site in conformance with the proposed CN Neighborhood Commercial zoning district will not have a significant effect on traffic. Public Works may require a traffic analysis at a future development permit stage.

c) **No impact.** The project site is located more than two miles from any airport or airstrip, and future development will be a maximum of 50 feet tall, so no potential hazards will exist to air traffic.

d) **Less than significant impact.** The project will not substantially increase hazards due to a design feature or incompatible uses, as any future redevelopment of the site will be required to comply with all applicable Department of Public Works guidelines for new driveways.

e) **Less than significant impact.** Any future redevelopment of the site will be reviewed by the San Jose Fire Department and the Department of Public Works to ensure adequate emergency access.

f) **Less than significant impact.** Future redevelopment of the site in accordance with the Neighborhood/Community Commercial General Plan Land Use designation will comply with adopted policies for encouraging residential uses near light rail stations.

Conclusion

Conformance with the above General Plan Policies will ensure that traffic impacts would be reduced to a less than significant level at the time of future development of the site.

MITIGATION MEASURES: None.

XVII. UTILITIES AND SERVICE SYSTEMS

Setting

The site is located within the Urban Services Area. Utilities and services are furnished to the project site by the following providers:

- Wastewater Treatment: treatment and disposal provided by the San José /Santa Clara Water Pollution Control Plant (WPCP); sanitary sewer lines maintained by the City of San José
- Water Service: San José Water Company
- Storm Drainage: City of San José
- Solid Waste: Various
- Natural Gas & Electricity: PG&E

Applicable Plans, Policies, and Regulations

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating utility-related impacts resulting from planned development within the City. All future development allowed by the proposed land use designations will be subject to the utilities and services policies of the City's General Plan, including the following:

Policy MS-3.2: Promote use of green building technology or techniques that can help reduce the depletion of the City's potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.

Policy MS-3.3: Promote the use of drought tolerant plants and landscaping materials for non-residential and residential uses.

Action EC-5.16: Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.

In addition to the above-listed policies of the San José General Plan, new development in San José is required to comply with programs that mandate the use of water-conserving features and appliances and the City's Integrated Waste Management Program, which minimizes solid waste.

ENVIRONMENTAL IMPACTS	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,15
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,21
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,17
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,22
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,21
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,21
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,21

Findings

a – g) **Less than significant impact.** Future redevelopment of the site under the proposed zoning could result in a small net increase in the retail square footage on the site, the proposed rezoning would not require construction of new facilities for wastewater treatment, storm drainage, water, or waste disposal because the subject site is located within the City of San Jose Urban Service Area where such facilities exist, and have the capacity to serve the proposed project.

Conclusion

Conformance with the above General Plan Policies will ensure that utility and service system impacts would be reduced to a less than significant level at the time of future development of the site.

MITIGATION MEASURES: None.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

ENVIRONMENTAL IMPACTS	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Does the project have the potential to (1) degrade the quality of the environment, (2) substantially reduce the habitat of a fish or wildlife species, (3) cause a fish or wildlife population to drop below self-sustaining levels, (4) threaten to eliminate a plant or animal community, (5) reduce the number or restrict the range of a rare or endangered plant or animal, or (6) eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,10
b) Does the project have impacts that are individually limited, but cumulatively considerable? “Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,16
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

Findings

a) **Less than significant impact.** Based on the analysis provided in this Initial Study, the proposed rezoning will not substantially degrade or reduce wildlife species or habitat, or impact historic or other cultural resources with the standard measures identified within the body of this Initial Study.

b – c) **Less than significant impact.** Based on the analysis provided in this Initial Study, the proposed rezoning will not significantly contribute to cumulative impacts, nor will it cause substantial adverse effects on humans.

MITIGATION MEASURES: None.

CHECKLIST REFERENCES

1. Envision San Jose 2040 General Plan
2. USDA, Soil Conservation Service, Soil Survey of SC County, August 1968
3. USDA, Soil Conservation Service, Important Farmlands of SC County map, June 1979
4. State of California's Geo-Hazard maps / Alquist Priolo Fault maps
5. Riparian Corridor Policy Study 1994
6. San Jose Historic Resources Inventory
7. City of San Jose Archeological Sensitivity Maps
8. FEMA Flood Insurance Rate Map, Santa Clara County, 1986
9. California Department of Fish & Wildlife, California Natural Diversity Database, 2001
10. City of San Jose Heritage Tree Survey Report
11. California Environmental Protection Agency Hazardous Waste and Substances Sites List, 1998
12. City of San Jose Noise Exposure Map for the Envision San Jose 2040 General Plan
13. BAAQMD CEQA Air Quality Guidelines, Bay Area Air Quality Management District. May, 2011.
14. San Francisco Bay Regional Water Quality Control Board 1995 Basin Plan
15. Final Environmental Impact Report, City of San Jose, Envision San Jose 2040 General Plan
16. Santa Clara Valley Water District
17. City of San Jose Title 20 Zoning Ordinance
18. San Jose Department of Public Works
19. San Jose Fire Department
20. San Jose Environmental Services Department
21. San Jose Water Company, Great Oaks Water Company
22. California Division of Mines and Geology
23. Cooper Clark, San Jose Geotechnical Information Maps, July 1974
24. Comprehensive Land Use Plan, Santa Clara County, Norman Y. Mineta San Jose International Airport, May, 2011.
25. City Council Transportation Level of Service Policy (Policy 5-3). June, 2005.